

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

John M. Szabo	:	
Plaintiff,	:	Case No. 1:01cv901
	:	
v.	:	Judge Dlott
	:	
Robert Peirce & Associates, Inc., et al	:	MOTION FOR LEAVE TO WITHDRAW
Defendants.	:	AS PLAINTIFF'S LOCAL COUNSEL /
	:	TRIAL ATTORNEY AND TO
	:	SUBSTITUTE PRO HAC VICE
	:	COUNSEL AS TRIAL ATTORNEY

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Pursuant to Rule 83.5(a) and Rule 83.5(d), Local Civil Rules for the Southern District of Ohio, now comes Plaintiff, by and through counsel, and moves this Court for leave for Barbara Bison Jacobson to withdraw as local counsel/trial attorney and to substitute Jerry Miniard, lead counsel in this case, admitted pro hac vice, as trial attorney. A Memorandum in support of this Motion is attached hereto and incorporated herein.

Respectfully submitted,

/s/ Barbara Bison Jacobson  
Barbara Bison Jacobson  
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Jerry M. Miniard  
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MEMORANDUM

Jerry Miniard, has served as lead counsel in this case since its inception. He was admitted pro hac vice pursuant to an application filed on December 28, 2001 (docket #2), and an Order granting such application by Judge Dlott on January 11, 2002. Since that time, Mr. Miniard has represented Plaintiff as lead counsel.

Pursuant to Rule 83.5(a), we hereby seek an order allowing Mr. Miniard to serve as trial attorney in this case. We recognize that this is an exception to the general policy stated in the rule. Nevertheless, the rule specifically permits this Court to “otherwise order” such an exception. We believe that such an exception should be made in this case. We also seek an order allowing Barbara Bison Jacobson to withdraw as trial attorney/local counsel. During 2003, Ms. Bison Jacobson has joined another Cincinnati law firm which has led to this request. Allowing Mr. Miniard to serve as trial attorney will serve the interests of justice in that additional expense and time will be avoided at this stage in the case. Mr. Miniard has an office in the Cincinnati region and is available to appear in person before the Court at any time required.

In the alternative, we hereby seek an order allowing Barbara Bison Jacobson to withdraw as trial attorney/local counsel in this case and for permission for

another local counsel to be substituted in her place.

Respectfully submitted,

/s/ Barbara Bison Jacobson

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CERTIFICATE OF SERVICE

I hereby certify that this document was file electronically. A true and accurate copy of the Motion For Leave To Withdraw As Plaintiff's Local Counsel/Trial Attorney And To Substitute Pro Hac Vice Counsel As Trial Attorney was served via ordinary U.S. Postal Service on this 9<sup>th</sup> day of February, 2004 to the following parties:

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/s/ Barbara Bison Jacobson

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